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ADVOCATING FOR A CHANGE TO TANZANIA'S LEGAL AGE OF MARRIAGE: EFFORTS UNDER THE HEALTH POLICY INITIATIVE

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INTRODUCTION

Tanzania has among the highest adolescent fertility rates in the world¹—a situation to which early marriage is a significant contributing factor. Early marriage is associated with increased gender-based violence (GBV),² while early pregnancy and childbirth negatively affect young women's health and contribute to Tanzania's high maternal and infant mortality rates. In Tanzania, while the current legal age of marriage for boys is 18, girls are legally eligible to marry at 15. Either sex can marry at 14 with court approval.³ Not only does the existing regulation violate girls' right to equality before the law, it also supports the practice of early marriage,⁴ which undermines young women's health and human rights, limits their life opportunities, and impedes overall economic and social development.

The current minimum age of marriage was established by the Law of Marriage Act (LMA), adopted in 1971. The LMA governs all matters pertaining to marriage, including the minimum age of marriage, divorce procedures, and guidelines for the division of property following dissolution of the marital union. In 2010, at the request of USAID, the Health Policy Initiative in Tanzania (HPI/Tanzania) began working to raise the minimum age of marriage in Tanzania from 15 to 21⁵ by facilitating revision of the LMA. In addition to its provisions on early marriage, the LMA contains several other problematic components. While HPI/Tanzania focused specifically on changing the minimum age of marriage, the project's work on this issue became, of necessity, entwined with and affected by efforts to amend other provisions of the LMA.

Nearly three decades have passed since the Government of Tanzania (GOT) first recognised the need to reform the LMA, yet it remains unchanged. In 2007, the CEDAW Committee, which monitors compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), highlighted the long delay in amending the LMA as an area of particular concern and urged the GOT to act with dispatch to amend it (CEDAW, 2007: pars. 111–112).

Ultimately, due largely to factors beyond the project's control, HPI/Tanzania failed to secure the desired policy change. The purpose of this report is to provide a brief synopsis of the process and strategies employed by the project to raise the minimum age of marriage through LMA reform, brief readers on the current status of LMA reform efforts, and outline potential next steps and recommendations for carrying the advocacy process forward.

About the Health Policy Initiative in Tanzania

Between February 2009 and September 2013, HPI/Tanzania supported the GOT and civil society in building an enabling environment for the scale-up of the prevention, care, and treatment of HIV in Tanzania, and supporting advocacy for family planning (FP) and reproductive health (RH).

HPI/Tanzania sought to overcome barriers hindering Tanzania's ability to guarantee access to FP/RH commodities and services, respond effectively to the HIV epidemic, prevent HIV-related stigma and discrimination, and address the proliferation of gender-based violence (GBV). To accomplish this, the project supported the drafting and implementation of key policies and built the capacity of government and civil society partners to advance the HIV and FP/RH policy agendas. Improving

¹ 2011 world development indicators show Tanzania as having the ninth highest fertility rate (births per 1,000 of women ages 15–19) of the countries surveyed (World Bank, 2011).

² An analysis of data from 10 country Demographic and Health Surveys (DHSs) found that, in six countries (Bangladesh, Bolivia, Dominican Republic, Kenya, Rwanda, and Zimbabwe), women who married before the age of 20 were more likely to report experiences of physical or sexual violence when they started living with their current husbands/partners. These findings and other research show that early marriage is associated with gender-based violence (Hindin et al., 2008).

³ Sections 13(1) and (2).

⁴ Early marriage or child marriage is defined as a marriage or union between two people in which one or both parties are younger than age 18 (McIntyre, 2006; ICRW, 2005).

⁵ The stated goal of age 21 is in keeping with the recommendations that the Law Reform Commission outlined in its report on the findings of its inquiry into the LMA (LRCT, 1994).

adolescent reproductive health, particularly the prevention of teenage pregnancy and HIV, became a main focus area of the project's FP/RH portfolio.

ADVOCACY EFFORTS

HPI/Tanzania began its work on the minimum age of marriage in Tanzania by determining the current status of LMA reform—what progress had been made to date; where the reform process had stalled; what barriers were preventing it from moving forward; and how these barriers could be overcome. First, project staff received training on the “Spitfire” process from the Johns Hopkins University/Advance Family Planning project (AFP). The Spitfire methodology is designed to enable stakeholders to collaborate, share information, and plan for strategic advocacy and communications around core issues. HPI/Tanzania's Senior Technical Advisor (STA) for media/communications used Spitfire tools to identify key stakeholders and influencers relevant to revising the minimum age of marriage. This included outlining the roles and responsibilities of individuals within key government agencies, such as the Ministry of Justice and Constitutional Affairs (MOJCA) and the Law Reform Commission of Tanzania (LRCT), to understand their role in the process of minimum age of marriage reform and identify which government bodies and officials should be approached to revive the LMA reform process.

Through these initial consultations, HPI/Tanzania found that in 1994, MOJCA's Directorate of Policy and Planning had been tasked with preparing a White Paper based on an LRCT report. However, this White Paper had never been approved by the government, nor even declassified (publicly released). This delayed approval of the White Paper⁶ on LMA amendments had caused the LMA reform effort to stagnate (see Box 1). Thus, the project decided to focus its advocacy efforts on securing parliamentary approval of the White Paper. While the White Paper itself covers the whole range of LMA amendments recommended by the LRCT, the project focused on amending provisions related to the minimum age of marriage. The project employed a three-pronged advocacy strategy: (1) joining forces with key civil society stakeholders, (2) conducting high-level advocacy meetings with GOT officials, and (3) building support among parliamentarians.

Joining Forces with Key Civil Society Stakeholders

HPI/Tanzania identified the Tanzania Media Women's Association (TAMWA), the Medical Women's Association of Tanzania (MEWATA), and the Tanzania Women Lawyers Association (TAWLA) as key stakeholders. These organisations had been engaged in previous efforts to raise the minimum age of marriage through LMA reform. HPI/Tanzania began engaging with these organisations to leverage their experience and expertise to build support and raise awareness among parliamentarians. The LRCT's report presented three main arguments for raising the age of marriage—health, education and life prospects, and human rights. The project selected organisations that could speak to each of these arguments with authority. Looking ahead, HPI/Tanzania hoped to use these partners for later capacity building with parliamentarians, and perhaps even in outreach to religious leaders. Beginning in March 2011, the project approached TAWLA, MEWATA, and TAMWA to request their assistance in training parliamentarians on these topics. All three organisations helped to train members of the Parliamentary Steering Committee on Community Development (PSCCD) during a July 2011 advocacy workshop (see below).

Conducting High-level Advocacy with GOT Officials

In February 2011, HPI/Tanzania staff met with the Senior Legal Officer and Acting Executive Director of the LRCT, Angela Bahati, to gather information about the current status of proposed amendments to the LMA. From Bahati, the project learned that the Commission had submitted its

⁶White Papers are used to present government policy guidance prior to the introduction of legislation.

report to the MOJCA but could take no further action until the MOJCA approved the White Paper and submitted it for review and approval—first by the Cabinet and then by Parliament.

Simultaneously, the project also approached the Attorney General's (AG) office. The AG's office is highly involved in the process of drafting and submitting legislation to Parliament. The project thus recognised that understanding the perspective of and collaborating with the AG's office would be crucial. In March 2011, the project's STA met with the Deputy Attorney General in Dodoma to discuss the prospects for tabling the LMA White Paper before the Cabinet. The Deputy Attorney General informed the STA that the White Paper would not be tabled in April, as originally hoped. He explained that, given the significant time elapsed since the 1994 LRCT report, the GOT needed to conduct a new round of internal multisectoral consultations before moving forward with consideration of the White Paper.

Box 1. White Paper on LMA Reform

Amendment of the LMA has been under consideration by the Government of Tanzania since 1986. At that time, the Law Reform Commission of Tanzania (LRCT) launched an inquiry to determine whether the LMA required revision, and, if necessary, to offer recommendations to inform the amendment process.

The Commission's investigation focused on five specific aspects of the law:

- i. Division of family property in the case of divorce or separation
- ii. Registration of customary law marriages
- iii. Custody and maintenance of children (including inheritance rights)
- iv. Minimum legal age of marriage
- v. Celebration of marriage and divorce procedures

Regarding the legal age of marriage, the Commission recommended amending Section 13(1) to raise the minimum age of marriage from ages 15 for girls and 18 for boys to 21 for both boys and girls. Further, it recommended amending Section 13(2) to raise the alternative minimum age of marriage (e.g., with special dispensation from a court of law) from 14 to 18 for both boys and girls.

The LRCT reported its findings to the Attorney General and Minister for Justice in 1994, and the MOJCA's Directorate of Policy and Planning was tasked with drafting a White Paper to advise the President and Parliament on necessary amendments to the LMA.

No further progress was made until March 2010, when then-Minister for Justice and Constitutional Affairs Hon. Mathias Chikawe signed the White Paper and submitted it to the Cabinet of Ministers for review. However, the White Paper met with serious opposition from some members of the Cabinet. Those members expressed concern that raising the age of marriage would remove a stabilising influence on out-of-school youth, thus contributing to sexually promiscuous and irresponsible behaviour. Cultural and religious reasons were also cited, and likewise where others argued that their own mothers had suffered no ill effects from early marriage and pregnancy and so saw no reason to change the legal age of marriage.

Given the controversy surrounding the issue, it was clear that the Cabinet would not endorse the White Paper. Minister Chikawe thus withdrew the measure for more in-depth consultation, to regroup and build further support before reintroducing it. Unfortunately, this planned effort soon was upstaged by preparations for the 2010 national elections. After the elections, the Cabinet was absorbed in preparations for the national consultative review of Tanzania's constitution. The constitutional review process, due to be concluded in early 2014, involves extensive public consultations throughout the country, down to the village level.

In November 2010, just as HPI/Tanzania began its work on LMA reform, Minister Chikawe was reassigned to serve as Minister of State in the President's Office for Good Governance, and Hon. Celina Kombani assumed his ministerial position at MOJCA. This affected the project's efforts because, as it began its work, HPI/Tanzania was dealing with a new Minister who was still familiarising herself with her portfolio and had neither a professional background in law nor any previous involvement with LMA issues.

In tandem with its engagement of LRCT and the AG's office, HPI/Tanzania also reached out to the MOJCA, requesting a meeting with the Permanent Secretary. Between February and October 2011, project staff met nine times with MOJCA officials. In February 2011, project staff met with the Director of Administration and Personnel (DAP) (standing in for the Permanent Secretary). This conversation led to a meeting between HPI/Tanzania and the MOJCA's Principal Economist and Director of Policy and Planning later in February. At this meeting, the Director briefed the project STA on the current status of the White Paper from MOJCA's perspective. This briefing confirmed that reforming the minimum age of marriage remains an extremely sensitive topic both within the GOT and among the population as a whole. Project staff also learned that one of the most significant barriers to moving forward with reforming the minimum age of marriage is the cost of holding stakeholder consultations and public meetings. The Director explained that the LMA includes several such sensitive topics, making reforming it a daunting prospect.

From the PS, HPI/Tanzania learned that the Minister for Constitutional and Legal Affairs, Celina Kombani, had not yet been briefed on the LMA White Paper. For this reason, the PS requested that the project allow him to brief the Minister before arranging a meeting. He further advised HPI/Tanzania to look into the possibility of supporting meetings between the MOJCA and external stakeholders on reforming the LMA.

In January 2012, HPI/Tanzania's STA met with the Minister for Justice and Constitutional Affairs Hon. Kombani to discuss how to push forward with the White Paper approval process. The Minister confirmed the need to resubmit the White Paper to the Cabinet but seemed reluctant to move forward. She pointed out that many stakeholders had been involved in the LMA reform process and that the MOJCA would need to consider carefully all the proposals it had received before proceeding. The project's STA continued to follow up with the MOJCA, meeting three more times with the Permanent Secretary and holding several phone conversations. Despite this assiduous follow-up, HPI/Tanzania was unable to elicit further action from the Ministry at that time.

In May 2012, the prospects for amending the LMA improved slightly, as Hon. Chikawe resumed the position of Minister for Justice and Constitutional Affairs. HPI/Tanzania's STA met with the Minister on June 25, 2012. During the meeting, she discovered that Minister Chikawe was fully aware of the age of marriage amendments, had championed these during his previous term as Minister, and remained keen to see the reforms adopted. Shortly thereafter, HPI/Tanzania's chief of party and STA held a second meeting with Minister Chikawe. At this meeting, project representatives shared their proposals for advancing the LMA reform process. The project proposed forming a multisectoral Technical Working Group, including the MOJCA and other key stakeholders, to build their capacity to advocate for submission of the White Paper and, eventually, a draft bill amending the LMA's minimum age of marriage. Project representatives also shared their progress to date in engaging with parliamentarians on the minimum age of marriage, including the results of the advocacy meeting with the PSSCD in July 2011 (see below). The Minister expressed support for the project's plans. However, he recommended that, rather than moving forward with establishing a multisectoral working group, HPI/Tanzania should support the existing internal Ministerial Task Force. He felt this would be more strategic as (1) the task force was already in existence, and (2) internal advocates would be more effective at this stage, as the main actions needed to move the LMA reform process forward were internal GOT actions—namely, to facilitate resubmission of the White Paper to the Cabinet. The project agreed to support the task force by drafting several policy briefs and providing technical assistance. However, HPI/Tanzania first was to receive a formal report on the White Paper's status from the MOJCA. The Minister assigned Deputy Minister Angela Kairuki to act as liaison between the project and the MOJCA. In response to the Minister's recommendations, HPI/Tanzania submitted a letter of interest to the MOJCA, outlining the agreements reached at the meeting and proposing a scope of work for collaboration with the Task Force.

On October 8, 2012, HPI/Tanzania representatives met with Deputy Minister Kairuki and the Director of the Legal Reform Unit to follow up on the proposed collaboration between the project and the Ministry's internal task force. At this meeting, it was agreed that HPI/Tanzania and the MOJCA

should kick-start the White Paper process while at the same time laying the foundation for the White Paper's reception by the Cabinet and Parliament. The Deputy Minister also serves as Secretary General of the Tanzania Women Parliamentarians Group, and she suggested that this group could be a useful resource in advocating for LMA reform. The Deputy Minister agreed that the MOJCA would provide the project with a report on the White Paper's status to help strategise on how best to revive the reform process.

Between October 2012 and March 2013, HPI/Tanzania continued to follow up with the MOJCA on the status of the White Paper. However, there was no movement. The project was unable to move forward with drafting the briefs, as it was waiting for the status report on the White Paper from the MOJCA. The STA followed up repeatedly with the MOJCA official assigned to provide the status report. For several months, she was told that the report was forthcoming, but that the official was too occupied with other business to work on it. After several months, the official finally told the STA that, in fact, he had never formally been assigned this task, which was necessary protocol, as the report would involve compiling information from other Government ministries and departments.

Building Support Among Parliamentarians

As HPI/Tanzania began engaging the MOJCA and the LRCT, it also started laying the groundwork for approval of amendments regarding the minimum age of marriage by raising awareness and building support among parliamentarians. The project sought to ensure that, once a draft bill (based on the White Paper) was introduced in Parliament, it would be approved speedily by Parliament. It began by reaching out to the PSCCD.⁷

In April 2011, the STA met with the Chair of the PSCCD, Hon. Jenista Mhagama. Through this discussion, HPI/Tanzania was invited to hold an advocacy workshop for members of the standing committee to brief them on the importance and status of efforts to amend the LMA to raise the minimum age of marriage. The Chair invited the project to hold a workshop on the issue for PSCCD members.

In July 2011, HPI/Tanzania held an advocacy meeting for 22 members of the PSCCD; stakeholders previously involved in the LMA inquiry and advocacy, namely the LRCT, TAWLA, MEWATA, and TAMWA; and two committee assistants.

The meeting helped members of the PSCCD understand the genesis of the proposed amendments to the LMA. It also increased their knowledge and awareness of the negative impacts on health and human rights of the current legal age of marriage. TAWLA presented the rationale for changing the law and raising the minimum age of marriage from 14/15 to 21. TAMWA presented information on the rights of the girl child as established by international conventions and ratified by Tanzania, and how the current legal age of marriage stands in violation of these commitments. MEWATA offered the medical rationale for raising the minimum age of marriage.

PSCCD members demonstrated a high level of interest and engagement, both during and after the advocacy meeting. They also highlighted the contentious nature of the proposed reform as the most significant challenge ahead. They recommended working closely with religious leaders, as religious concerns—such as preventing premarital sex and childbearing outside of marriage—often are used to defend the current age of marriage. They also pointed out that in many of Tanzania's indigenous cultures, rites of passage often embrace and/or set the stage for early marriage, and thus must be handled carefully.

⁷ Initially, HPI/Tanzania planned to reach out to the Standing Committee for Justice and Legal Affairs; however, staff learned that the White Paper and subsequent amendments actually would be reviewed and introduced to Parliament by the PSCCD on behalf of the Ministry for Community Development, Gender, and Children. The project thus shifted its efforts to focus on the PSCCD.

At the meeting, PSCCD members requested that HPI/Tanzania help them form a task force on raising the minimum age of marriage through LMA reform and build its capacity to engage in high-level advocacy with ministers, parliamentarians, the President, and key stakeholder groups—particularly religious leaders. At the workshop, PSCCD agreed to form such a task force. This task force could follow up with the MOJCA and the Ministry for Community Development, Gender, and Children (MCDGC) on submitting the White Paper for Cabinet review. Moreover, it could engage with religious leaders, other parliamentarians, and the President in fostering support and generating momentum to carry the process forward. HPI/Tanzania planned to provide additional advocacy trainings to the task force to enable them to carry out this high-level advocacy effectively. Unfortunately, delays in the disbursement of project funds from USAID prevented HPI/Tanzania from holding the planned trainings. It was a particular problem because the trainings were planned to coincide with parliamentary sessions.

Despite this setback, members of the task force have proven extremely enthusiastic and eager to engage on the age of marriage issue. Since July 2011, they have continued to follow up independently with project staff to ask about the status of the planned trainings and the strategy for moving forward with LMA advocacy. In response, the STA has urged them to use the information and skills from the initial workshop to continue speaking out and engaging their fellow parliamentarians on these issues, regardless of the availability of further trainings. However, it is unfortunate that this promising work was cut short both by disbursement delays and the AG's Chambers' decision to suspend HPI/Tanzania's work with the MOJCA pending submission of the constitutional reform commission's report to Parliament (see below).

Intervention by Attorney General's Chambers

On March 12, 2013, the Deputy Minister of MOJCA requested a meeting with the HPI/Tanzania STA. At this meeting, the Deputy Minister informed the STA that the AG's office had intervened, announcing that the process agreed on between the project and the MOJCA could not be carried forward as planned. The AG's office directed that any work on the LMA must address the LMA as a whole, rather than focusing only on specific issues, such as the minimum age of marriage. Moreover, it directed that any such effort must be integrated into the constitutional review process (e.g., it must await the findings of the constitutional reform commission, based on public consultations). At the moment, Tanzania is undergoing a process of constitutional review. Public consultations on the constitution already have begun and will include meetings extending down to the village level. The review process is overseen by the Constitutional Review Commission. The Deputy Ministry expressed disappointment but explained that, given the AG's intervention, the MOJCA could not issue a report on the status of LMA reform as agreed with HPI/Tanzania at the October 2012 meeting.

The AG's decision was based on several factors. First, it stemmed from the government's longstanding opposition to piecemeal revision of the LMA. The GOT would prefer the LMA to be revised as a whole or replaced through one comprehensive review process. In addition, the AG's Chambers cited the large number of stakeholders involved in the LMA reform process, which now has spanned almost three decades.

The government's reluctance to entertain piecemeal amendments to the LMA is part of what has caused the reform process to move so slowly. Pursuing wholesale revision of the LMA is a daunting task. First, it involves tackling all of the controversial issues at once, thus magnifying the challenges of building awareness and support, and coming to consensus with key stakeholders—particularly religious leaders. Moreover, comprehensive LMA reform entails extensive public consultations, the execution of which would require a significant investment of resources (from the government itself or from donors). Part of the logic behind incorporating the LMA amendments into the constitutional reform process is that provisions already have been made for the public consultations required for this

process. Including LMA reform in the larger process removes the need for a separate (and costly) public consultation process.

CHALLENGES

Although both the Minister and Deputy Minister of MOJCA were highly supportive and actively engaged, HPI/Tanzania ultimately was unsuccessful in raising the minimum age of marriage and unable to achieve the more modest goal of having the White Paper tabled for Cabinet consideration.

High-level advocacy of the type carried out by the project and its partners is an indispensable strategy for bringing about policy change. However, this type of work entails a number of inherent challenges—which may be magnified or ameliorated, depending on the specific timing and context of advocacy activities. First, the GOT is the ultimate authority on legal matters. Projects such as HPI/Tanzania can advise, advocate, cajole, and educate, but in the end have little control over the decisions and actions taken by government bodies. Second, the success of advocacy efforts often hinges on outside events beyond a project's control, many of which cannot be anticipated. Sometimes these events are fortuitous, resulting in accelerated policy change. Sometimes, however, they have the opposite impact. A final, related factor is the importance of timing—windows of opportunity often arise suddenly and close just as rapidly. Thus, if outside events, such as disbursement delays, affect the timing of programme implementation, they may result in lost opportunities.

HPI/Tanzania and its partners faced four main challenges:

1. The sensitivity of the issues at stake in reforming the LMA—not only age of marriage, which is sensitive in and of itself, but the other contentious issues, both religious and cultural, involved in LMA reform (inheritance, etc.).
2. Complexity and expense—the sensitivity of the proposed amendments and the complexity of issues involved in LMA reform mean that extensive stakeholder consultations are needed before amendments can be adopted. The expense involved in such an exercise has made both the GOT and donors somewhat reluctant to embark on wholesale reform. Yet the GOT is adamant that the LMA must be reformed within the national constitutional review process (as demonstrated by the AG's intervention) and preferably as a whole Act rather than by addressing individual issues, such as legal age of marriage. This also magnifies the challenges and sensitivities involved, as it requires building consensus on not one, but a whole range of contentious issues, all at the same time.
3. Outside events—the AG's intervention, 2010 elections, and delayed disbursement of USAID funds.
4. Transparency—the government's reluctance to declassify the White Paper's contents.

WAY FORWARD

The constitutional review process in Tanzania already is underway. It involves public consultations down to the village level. The consultations aim to gather opinions and input from as much of the population as possible. As part of this process, those attending the public meetings are asked what laws they want to see revised. Thus, public awareness is the key to ensuring that reforming the LMA to raise the minimum age of marriage is included in this process. If enough people raise this issue during the constitutional review process, the government may begin to accept it as a priority. At least advocates will have concrete evidence of public support, which they can use to mobilise support for the LMA amendments.

The GOT also will be convening consultations with special interest groups, such as religious and traditional leaders. Engaging with these groups, particularly religious leaders, is key to successfully raising the minimum age of marriage, as they have been at the forefront of opposition to any such legislation.

Project staff realised that there were neither sufficient resources nor time to conduct the sort of widespread grassroots awareness-raising campaign that might rapidly lead to the age of marriage being raised in the constitutional review process. However, in consultation with the Deputy Minister, the project determined that, given the limitations of resources and time, the most strategic way forward would be to do as much high-level advocacy as possible. Cultivating a small group of parliamentary champions would leverage limited resources to the greatest effect. Parliamentarians have a powerful influence and are able to draw large crowds of constituents. If they begin speaking out, it may penetrate public awareness to the point that the issue of age of marriage begins to be raised in the constitutional review process.

The Deputy Minister recommended focusing on two groups: parliamentarians and religious leaders. There is a need to have open discussions about the religious objections to raising the minimum age of marriage. One of the objections from the Muslim community is that the Koran permits girls to be married as soon as they begin menstruating. Islam does encourage early marriage as a way of avoiding the sin of premarital sex. However, the Koran also emphasises the importance of education and states that it is everyone's right to study to the furthest extent possible. Thus, there is a powerful argument for delaying marriage to enable girls to follow the Koran's edicts regarding education.

The Deputy Minister was very disappointed in the wake of the AG's decision and followed up personally with HPI/Tanzania staff to discuss how the advocacy process could be carried forward. They identified three advocacy priorities:

1. Continue to build the capacity of parliamentarians, some of whom are Cabinet members, to ensure that they understand and support the rationale for raising the legal age of marriage. This will improve the likelihood that the White Paper, when presented to the Cabinet and Parliament, will be well received and endorsed.
2. Create public pressure for Cabinet and Parliamentary approval of the White Paper and subsequent amendments to the LMA by working with the media and advocacy groups to raise awareness of and advocate for raising the age of marriage.
3. Partner with the Tanzania Women Parliamentarians' Group to help extend their influence in support of amending the LMA.

However, all of these strategies would need to be executed during the parliamentary session scheduled for October–November 2013, after the close of HPI/Tanzania.

The Deputy Minister emphasised that the Tanzania Women Parliamentarians' Group could be an influential voice in the constitutional review process—both during public and stakeholder consultations, and during parliamentary debates on the findings of these consultations and the new draft constitution. When the draft constitution is presented to Parliament, the Tanzania Women Parliamentarians' Group is perfectly positioned to raise questions about the age of marriage from the perspectives of women's rights, education, health, and other key considerations.

It is vital that the momentum built by HPI/Tanzania and its partners through consultations with the MOJCA, LRCT, and PSCCD not be lost. The AG has stated that the LMA reform should be carried out as part of the constitutional review process. Thus, the timeline for LMA advocacy efforts is uncompromising and urgent. The Constitutional Review Commission is due to present its findings to Parliament in early 2014. All advocacy and awareness-raising efforts must be completed by that time, with supportive parliamentarians in place and primed with evidence-based information and advocacy

strategies necessary to ensure that amendments to the legal age of marriage (and the rest of the LMA) are carried forward to safeguard the health and human rights of women and girls.

This process has languished for nearly three decades. HPI/Tanzania recommends that USAID do its utmost to coordinate with other projects and donors to capitalise on this chance by moving forward with advocacy efforts, as outlined by the PSCCD Task Force. Task Force members have shown themselves eager and ready to support advocacy efforts, actively reaching out to HPI/Tanzania to inquire about plans for the task force. Project staff have urged them to use the knowledge and information gained during the first meeting to begin engaging fellow parliamentarians and carry on with the reform effort. However, there is a need to support their efforts and introduce complementary advocacy efforts to prevent any further delay or interruption in LMA reform.

If the LMA revision process is to move forward, timing is of the essence. There is a pressing need to build the capacity of parliamentarians and engage with them to raise their awareness on LMA issues. This will ensure that, in 2014, when LMA reforms are presented to Parliament as part of the constitutional review findings, parliamentary champions can engage in informed debate, speak out in support of the provisions, and raise relevant questions to ensure that the revisions successfully address the identified areas of weaknesses of the LMA.

CONCLUSION

HPI/Tanzania may not have changed the legal age of marriage, but the project has made significant contributions to the reform effort. It has successfully teased out the convoluted history of LMA reform and identified what barriers have prevented it from moving forward. Moreover, it has begun laying the groundwork necessary to ensure Cabinet and parliamentary approval of changes to the legal age of marriage. As a result of the project's work, the AG's office has suggested that LMA reform be included in the constitutional review process. This provides stakeholders with a golden opportunity to hasten the consideration and adoption of LMA reforms, as the current constitutional review process has an established timeline and dedicated budget support.

Box 2. Timeline of Efforts to Reform the Minimum Age of Marriage

1971		LMA adopted
1986		Law Reform Commission of Tanzania (LRCT) inquiry into LMA launched
1994		LRCT reports findings to MOJCA
1994		MOJCA's Directorate of Policy and Planning tasked with preparing a White Paper based on LRCT report
2010		
	Mar	White Paper signed by Minister of Justice and Constitutional Affairs Hon. Mathias Chikawe
	Apr	White Paper introduced to Cabinet (withdrawn to build convincing case for reform before tabling for Cabinet vote)
	Aug	USAID requests the Health Policy Initiative in Tanzania (HPI/Tanzania) to focus on reforming LMA to raise the legal age of marriage for girls
	Nov	Hon. Celina Kombane replaces Hon. Mathias Chikawe as Minister of Justice and Constitutional Affairs
2011		
	Feb	HPI/Tanzania meets with Director of Administration and Personnel, MOJCA (standing in for Permanent Secretary) HPI/Tanzania meets with Principal Economist and Director of Policy and Planning, MOJCA, who briefs HPI/Tanzania on current status of White Paper HPI/Tanzania holds initial meeting with Permanent Secretary of MOJCA, who requests that the project wait before approaching the Minister to allow time for the Permanent Secretary to brief her on issues related to reforming the LMA
	Feb–Oct	HPI/Tanzania holds three follow-up meetings with the PS and continues to follow up by phone
	Mar	HPI/Tanzania meets with Deputy Attorney General in Dodoma HPI/Tanzania reaches out to TAMWA, TAWLA, and MEWATA to begin building partnerships and request their assistance in training parliamentarians on the rationale for raising the minimum age of marriage
	Apr	HPI/Tanzania consults with TAMWA to gather information on the current state of the LMA reform effort and build relationships/partnerships for advocacy
	Jul	Advocacy meeting with PSSCD (22 members) and key stakeholders—TAMWA, TAWLA, LRCT, and MEWATA
2012		
	Jan	HPI/Tanzania meets with Minister Kombani
	May	Hon. Chikawe resumes post as Minister of MOJCA
	Jun 25	HPI/Tanzania meets with Minister Chikawe
	Oct 8	HPI/Tanzania holds a follow-up meeting with Deputy Minister of MOJCA
	Oct onward	HPI/Tanzania staff continue to follow up with MOJCA on White Paper status
2013		
	Mar 12	HPI/Tanzania meets with the Deputy Minister of MOJCA, who reports that the office of the Attorney General has intervened, barring further work on LMA reform unless it is integrated into the constitutional reform process

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